TABLE OF CONTENTS

SH2447621

TABLE OF CONTENTS

SH2447621

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 02/07/2018	Bureau/Station/Facility: East Los Angeles Station	Admin. Invest.? [ ]	Hit? [x]

Incident Information

URN: 018-02026-0282-013	Date: February 6, 2018 — Time: 2200 hrs
City or Station: East Los Angeles Station	Nature of Incident: During a call for service, the suspect attempted to run a deputy over with their patrol car. Deputy Gonzalez shot the suspect seven times in his head and torso.
Location: [redacted] E. 3rd Street, East Los Angeles	

Location Type (*check one or more*):
- [ ] Backyard
- [ ] Beach
- [ ] Business
- [ ] Freeway
- [ ] Industrial
- [ ] Park
- [x] Parking Lot
- [x] Residence
- [ ] Rural
- [ ] School
- [ ] Street
- Other:

Lighting (*check only one*):
- [ ] Darkness
- [ ] Daylight
- [x] Other
- [ ] Street Lights

Weather (*circle only one*):
- [x] Clear
- [ ] Cloudy
- [ ] Fog
- [ ] Rain

Distance: 5'-7'

Incident Type (*check one or more*):
- [ ] Accidental
- [ ] Armed Person
- [x] Fleeing Suspect
- [ ] Foot Pursuit
- [ ] Gun Take Away
- [x] Moving Vehicle
- [ ] Sniper/Ambush
- [ ] Startle
- [ ] Struggle Involved
- [ ] Traffic Stop
- [ ] Unarmed Person
- [ ] Unintentional
- [ ] Vehicle Pursuit
- [ ] Warrant Service
- [ ] Warning Shot
- Other:

Initiated by (*check only one*):
- [ ] Arrest Warrant
- [x] Call
- [ ] Observation
- [ ] One Person Unit
- [ ] Other
- [ ] Search Warrant
- [ ] Two Person Unit

Prior Activity (*check only one*):
- [ ] Detective
- [ ] Inmate Transport
- [ ] Other
- [x] Routine Patrol

Aero Unit? [x] Canine Unit? [ ]

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
17	None

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*check only one*)	ShiftType (*check only one*)
[redacted]	[redacted]	[redacted]	[redacted]	[ ] EM [x] PM [ ] Day	[x] Regular [ ] Overtime [ ] Off Duty
				[ ] EM [ ] PM [ ] Day	[ ] Regular [ ] Overtime [ ] Off Duty
				[ ] EM [ ] PM [ ] Day	[ ] Regular [ ] Overtime [ ] Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.			
[redacted]	[redacted]	[redacted]			
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**	
[redacted]	[redacted]	[redacted]	-	[redacted]	
Last Name	**First Name**	**M.I.**			
[redacted]	[redacted]	[redacted]			
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**	
[redacted]	[redacted]	[redacted]	-	[redacted]	
Last Name	**First Name**	**M.I.**			
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**	

Supervisors

Employee #	Last Name	First Name	M.I.	(*check one or more*)
[redacted]	Lopez	Bernie	R.	[x] On Duty [ ] Present during shooting [ ] Witness to shooting [ ] Involved in shooting
				[ ] On Duty [ ] Present during shooting [ ] Witness to shooting [ ] Involved in shooting

[redacted]

Employee #	Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]	[redacted]

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Mejia	Richard	-

PSTD Use Only
SH # 2447621

SH-R-438A (rev. 10/01/15)

See Reverse

Officer Involved Shooting

URN: 018-02026-0282-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
02/06/18	0114 hrs		

Employee #	Last Name	First Name	M.I.
[redacted]	Maxwell	Michael	L.
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	Granek	Roberta	C.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	UC					NN	N/A
S#1	E#1	OV					NN	N/A
E#1	S#1	FH	SW	9	Y	Y	GS	HD

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 018-02026-0282-013

Involved Employee

E 1

Employee # [redacted]	Last Name: Gonzalez	First Name: Christopher	M.I.: J.
Sex: M Race: H	Rank: DSG	Unit Assignment: ELA Station	Work Assignment (Unit #, Module, etc.): 25A
ShiftTime (*circle only one*): ☐ EM ☑ PM ☐ Day	ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☑
Hrs of sleep prior to shooting: 6-8 hrs	Duty Time (hrs): [redacted]	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 508	Weight: 175		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☑ Number of Prior Shootings: 1 Directed Force: [redacted]
Weapons Fired Brand: Smith & Wesson Caliber: 9mm # Shots: 17	Weapons Fired Brand: Caliber: # Shots:		
Field Training Officer Emp # [redacted]st Name [redacted]	First Name [redacted]	M.I. [redacted]	
Field Training Officer Emp # [redacted]st Name [redacted]	First Name [redacted]	M.I. [redacted]	

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand: Caliber: # Shots:	Weapons Fired Brand: Caliber: # Shots:		
Field Training Officer Emp # Last Name	First Name	M.I.	
Field Training Officer Emp # Last Name	First Name	M.I.	

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand: Caliber: # Shots:	Weapons Fired Brand: Caliber: # Shots:		
Field Training Officer Emp # Last Name	First Name	M.I.	
Field Training Officer Emp # Last Name	First Name	M.I.	

See Other Side

Supervisor's Report on Use of Force

018 - 02026 - 0282 - 013

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Bautista	S#1	[redacted]	E#2	UC	NN	N/A
Bautista	S#1	Gonzalez	E#1	OV	NN	N/A
[redacted]	E#2	Bautista	S#1	TR	NN	N/A
Gonzalez	E#1	Bautista	S#1	FH	DH	HD

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT: **On-Duty Hit Shooting, Suspect Deceased**

IAB FILE NUMBER: **SH 2447621**

URN#: **018-02026-0282-013**

DATE/TIME: **February 6, 2018 / 2200 hours**

LOCATION: **[redacted] East 3rd Street**
East Los Angeles, California 90022

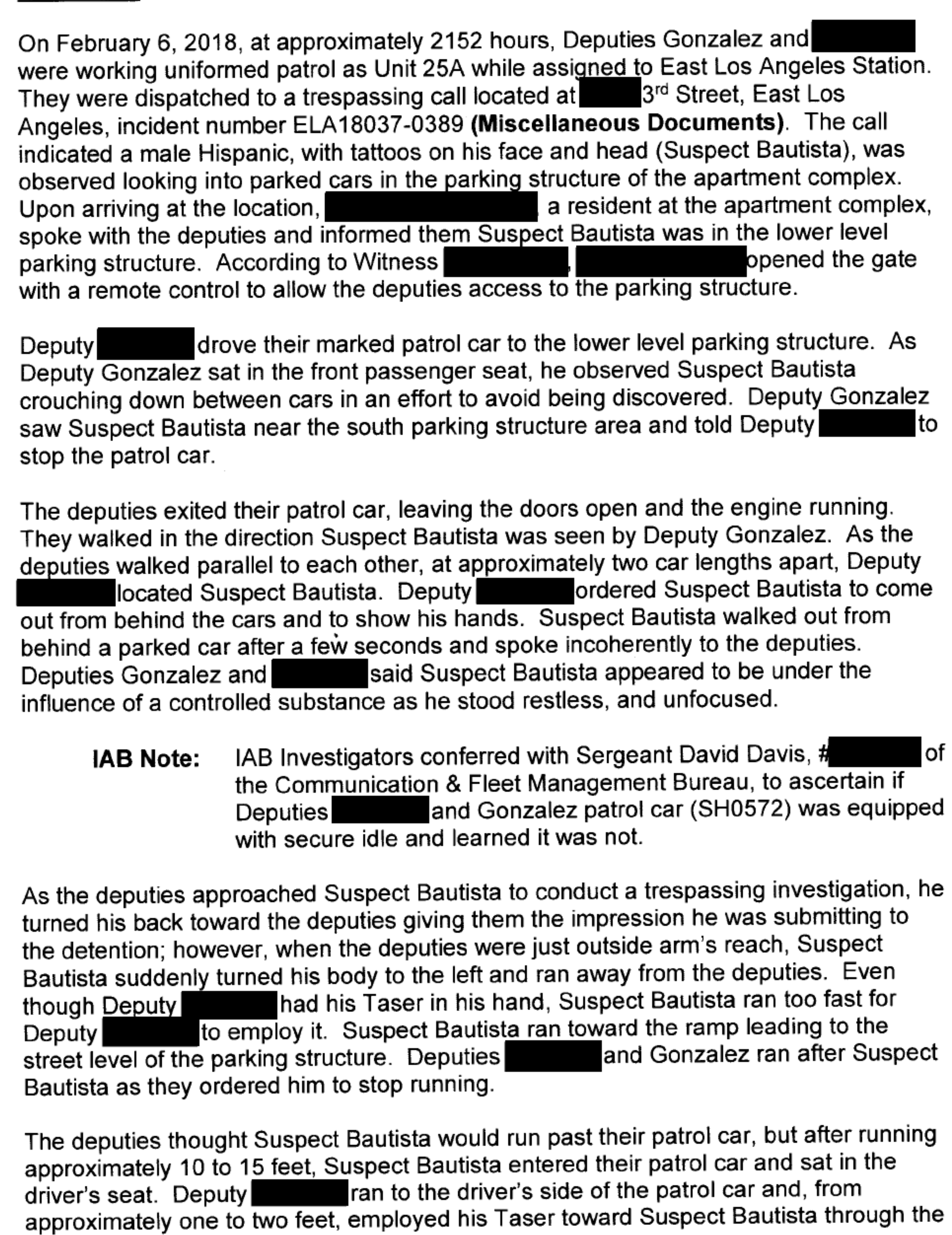
SYNOPSIS

On February 7, 2018, Internal Affairs Bureau (IAB) Force and Shooting Rollout Team, comprised of Lieutenant Roberta Granek, #[redacted] Sergeant Michael Maxwell, #[redacted] and Sergeant [redacted] #[redacted] responded to [redacted] East 3rd Street in the unincorporated county area of East Los Angeles regarding an on-duty deputy involved shooting. Suspect Cesar Bautista (Suspect Bautista) sustained gunshot wounds to his head and torso which resulted in his demise.

Lieutenant Roberta Granek confirmed the on-duty watch commander, Lieutenant Richard Mejia, #[redacted], took reasonable steps to ensure the involved and witness personnel did not discuss the incident amongst themselves, or other involved personnel, prior to being interviewed by the assigned investigators. In addition, Lieutenant Granek confirmed the involved personnel gathered in the company of a supervisor until they provided a statement to the assigned investigators.

Detectives Gustavo Carrillo, #[redacted], and Adan Torres, #[redacted] under the supervision of Lieutenant Rodney Moore, #[redacted] from the Department's Homicide Bureau, arrived and assumed control of the shooting investigation. Information regarding the shooting investigation was included in the Homicide Bureau casebook under Uniform Report Number 018-02026-0282-013 **[Exhibit A]**.

On January 11, 2021, the shooting review was reassigned to Sergeant Andy Ruiz, #[redacted] and later reassigned to Sergeant Ermina McKelvy on March 25, 2021.



SUMMARY

On February 6, 2018, at approximately 2152 hours, Deputies Gonzalez and [redacted] were working uniformed patrol as Unit 25A while assigned to East Los Angeles Station. They were dispatched to a trespassing call located at [redacted] 3rd Street, East Los Angeles, incident number ELA18037-0389 **(Miscellaneous Documents)**. The call indicated a male Hispanic, with tattoos on his face and head (Suspect Bautista), was observed looking into parked cars in the parking structure of the apartment complex. Upon arriving at the location, [redacted] a resident at the apartment complex, spoke with the deputies and informed them Suspect Bautista was in the lower level parking structure. According to Witness [redacted], [redacted] opened the gate with a remote control to allow the deputies access to the parking structure.

Deputy [redacted] drove their marked patrol car to the lower level parking structure. As Deputy Gonzalez sat in the front passenger seat, he observed Suspect Bautista crouching down between cars in an effort to avoid being discovered. Deputy Gonzalez saw Suspect Bautista near the south parking structure area and told Deputy [redacted] to stop the patrol car.

The deputies exited their patrol car, leaving the doors open and the engine running. They walked in the direction Suspect Bautista was seen by Deputy Gonzalez. As the deputies walked parallel to each other, at approximately two car lengths apart, Deputy [redacted] located Suspect Bautista. Deputy [redacted] ordered Suspect Bautista to come out from behind the cars and to show his hands. Suspect Bautista walked out from behind a parked car after a few seconds and spoke incoherently to the deputies. Deputies Gonzalez and [redacted] said Suspect Bautista appeared to be under the influence of a controlled substance as he stood restless, and unfocused.

IAB Note: IAB Investigators conferred with Sergeant David Davis, #[redacted] of the Communication & Fleet Management Bureau, to ascertain if Deputies [redacted] and Gonzalez patrol car (SH0572) was equipped with secure idle and learned it was not.

As the deputies approached Suspect Bautista to conduct a trespassing investigation, he turned his back toward the deputies giving them the impression he was submitting to the detention; however, when the deputies were just outside arm's reach, Suspect Bautista suddenly turned his body to the left and ran away from the deputies. Even though Deputy [redacted] had his Taser in his hand, Suspect Bautista ran too fast for Deputy [redacted] to employ it. Suspect Bautista ran toward the ramp leading to the street level of the parking structure. Deputies [redacted] and Gonzalez ran after Suspect Bautista as they ordered him to stop running.

The deputies thought Suspect Bautista would run past their patrol car, but after running approximately 10 to 15 feet, Suspect Bautista entered their patrol car and sat in the driver's seat. Deputy [redacted] ran to the driver's side of the patrol car and, from approximately one to two feet, employed his Taser toward Suspect Bautista through the

driver's side window, in an effort to incapacitate the suspect and prevent him from manipulating the patrol car. Deputy [redacted] stated the Taser was ineffective, as the darts did not make contact with Suspect Bautista. As the patrol vehicle moved forward, Deputy [redacted] heard gunshots and fell to the ground away from the patrol car.

Simultaneously, Deputy Gonzalez, who stood directly in front of the patrol car, heard the sound of the Taser being employed and observed Suspect Bautista move the gear shift inside of the patrol car into the drive position. Deputy Gonzalez saw the patrol car move forward in his direction. Before he could move out of the path of the patrol car, and fearing for his life, Deputy Gonzalez fired a volley of six to eight rounds from his duty firearm at Suspect Bautista, through the windshield of the patrol car, as he moved out of the path. Deputy Gonzalez stated the bullets ricocheted off the windshield and were not effective in stopping Suspect Bautista from manipulating the patrol car.

As the patrol car continued to move forward, Deputy Gonzalez took approximately one second to reassess the situation and believed Suspect Bautista remained a threat. Suspect Bautista continued to have control of the patrol car, had access to the shotgun and AR-15 rifle, and attempted to drive toward Deputy Gonzalez. Deputy Gonzalez stated he was in fear of his life, his partner's life, and the safety of the public. Deputy Gonzalez walked parallel to the patrol car as he fired a second volley of six to eight rounds from his duty firearm at Suspect Bautista. The patrol car abruptly stopped and slowly moved forward as it collided with an unoccupied parked car.

After a second reassessment, Deputy Gonzalez observed Suspect Bautista inside the patrol car slumped to the left, against the driver's door, with an apparent gunshot wound to his head. Deputy [redacted] attempted to broadcast a deputy was involved in a shooting but the radio signal was not clear. Deputy Gonzalez transmitted radio traffic of a deputy involved shooting and requested the fire department and paramedics to the location while he and Deputy [redacted] held the patrol car at gunpoint until assisting units arrived.

Multiple assisting units arrived on scene including the field sergeant, Sergeant Bernie Lopez, #[redacted]

Los Angeles County Fire Department (LAFD) Engine #22 arrived on scene, under the supervision of Captain Dougherty, and pronounced Suspect Bautista deceased at 2212 hours.

DISTRICT ATTORNEY'S LETTER OF OPINION

The Los Angeles County District Attorney's Office reviewed the shooting of Suspect Bautista by Deputy Gonzalez. In their letter of opinion, dated November 16, 2020, Deputy District Attorney Shannon Presby concluded, "With respect to the first shots fired, we find that Deputy Gonzalez acted lawfully in self-defense, in defense of others and to stop a fleeing felon when he used deadly force against Cesar Bautista. We further find that it cannot be proven beyond a reasonable doubt that Gonzalez' second

volley of gunshots were an unreasonable applications of deadly force. We are closing our file and will take no further action in this matter" **[Exhibit B]**.

INVOLVED EMPLOYEES AND WORK HISTORY

Christopher Gonzalez, Deputy Sheriff, #[redacted]
East Patrol Division
East Los Angeles Station

Work History:

Date of Employment:	March 6, 2014
Date Assigned to Patrol:	[redacted]
Date Completed Patrol Training:	[redacted]
Prior Shooting Incident(s):	[redacted]
Prior Category-3 Force Incident(s):	1

Equipment Worn:
Duty Weapon Smith & Wesson M&P, 9 millimeter, semi-automatic firearm, 2.0 with Surefire X400 mounted light
2 additional magazines with ammunition
Oleoresin Capsicum (OC) Spray
Expandable Baton
2 pairs of Handcuffs
Portable Radio
Keys
Handheld portable radio
[Exhibit A, Crime Scene Photos, Crime Lab Photos, img_8496pic01 – img_8502pic01]

[redacted] Deputy Sheriff #[redacted]
East Patrol Division
East Los Angeles Station

Work History:



Date of Employment:	[redacted]
Date assigned to Patrol:	[redacted]
Completed Patrol Training:	[redacted]
Prior Shooting Incident(s):	[redacted]
Prior Founded Force Incident(s):	[redacted]

Equipment Worn:
Duty Weapon Smith & Wesson M&P, 9 millimeter, semi-automatic firearm, 2.0 with Surefire X400 mounted light
2 additional magazines with ammunition
Oleoresin Capsicum (OC) Spray
Expandable Baton

2 pairs of Handcuffs
Portable Radio
Keys
Handheld Portable Radio
[Exhibit A, Crime Scene Photos, Crime Lab Photos, img_8482pic01 – img_8495pic01]

SUSPECT INFORMATION

Cesar Otero Bautista
Male, Hispanic, DOB: 01/26/1981, 5'06" 160 pounds
[redacted]
CII # [redacted] FBI # [redacted] MAIN [redacted]

The Consolidated Criminal History Reporting System (CCHRS) revealed Suspect Bautista [redacted] Suspect Bautista's CCHRS was included in the casebook **[Exhibit A, Homicide casebook, Pages 113 - 128]**.

CIVILIAN WITNESSES


[redacted]

SUSPECT INJURIES

- Gunshot wound of the head at the left occipital region posteriorly
- Gunshot wound of the head adjacent to the right side of the nose
- Gunshot wound of the head inferior to the attachment of the right external ear
- Gunshot wound chest at the posterolateral aspect of right upper arm with re-entrance into anterolateral right superior chest
- Gunshot wound of the chest at the posterolateral aspect of the right chest
- Gunshot wound of the right upper extremity
- Gunshot wound of the left upper extremity

Refer to Autopsy Report **[Exhibit A, Homicide Casebook, pages 146-179]**.

INVOLVED EMPLOYEES INJURIES:

None.

PHYSICAL EVIDENCE:

All physical evidence was located and collected by Homicide Bureau and Scientific Services Bureau (SSB) personnel. A description of the evidence collected and where it

was collected was included in the Homicide Bureau casebook **[Exhibit A, Homicide casebook, Pages 88 - 103]**. Photographs of the scene were taken and video surveillance footage was collected **[Exhibit A, Photos and Video Surveillance]**. 17 Fired WIN 9 millimeter Luger cartridge casings were recovered in the parking structure, as well as in or near the patrol cars **[Exhibit A, Homicide casebook, Pages 101 - 102]**.

7 Bullets were recovered from Suspect Bautista's body **[Exhibit A, Homicide casebook, Pages 146 – 147]**.

INVESTIGATORS' OBSERVATIONS

The scene was described in detail by Homicide Bureau Investigators Teri Bernstein, #[redacted] and Kasey Woodruff, #[redacted], and documented with photographs. The scene description covered the entire incident and shooting location. The descriptions were consistent with the observations of the IAB investigators who responded.

SSB Senior Criminalist Manuel Munoz, #[redacted], Forensic Identification Specialists Cathy Johnson, #[redacted] and Deputy R. Davidson, #[redacted], assisted Homicide Bureau investigators with the processing of the scene **[Exhibit A, Homicide casebook, Pages 94-103]**. Their description of the scene was consistent with IAB investigators' observations. The scene was photographed by SSB personnel **[Exhibit A, Crime Scene Photos]**.

WEAPON USED BY DEPUTY GONZALEZ

Deputy Gonzalez fired 17 rounds of Department issued 9mm ammunition from his Department approved Smith & Wesson M&P, semi-automatic firearm, serial number HPS[redacted]. On February 7, 2018, Homicide Bureau Investigators Carrillo and Torres conducted a round count of Deputy Gonzalez's firearm. The firearm contained 1 round in the chamber and no rounds in the magazine. Prior to the shooting, Deputy Gonzalez's firearm was loaded with 17 rounds in the magazine and 1 in the chamber.

SSB Senior Criminalist Munoz subsequently booked the firearm into evidence for further examination. Deputy Gonzalez's firearm was found to be functional. The SSB Test Fire and Function Report was included in the Homicide Bureau casebook **[Exhibit A, Homicide casebook, Pages 92 - 93]**.

WEAPON USED BY DEPUTY [redacted]

Deputy [redacted] utilized his Department issued Taser X26. The Taser print out was included in the Homicide Bureau casebook **[Exhibit A, Homicide Casebook, Pages 18 – 25]**.

WEAPON USED BY SUSPECT BAUTISTA

Suspect Bautista utilized the patrol car (#SH0572, 2010, Ford, Crown Victoria, License Plate, CA Exempt 1345128) as a weapon. The car was processed by SSB Senior Criminalist Gregory Wong and Field Identification Specialist Cathy Johnson **[Exhibit A, Homicide casebook, Pages 90 - 91]**.

PROPERTY DAMAGE

A 2010, Ford, Crown Victoria, Black and White patrol car, License Plate, CA Exempt 1345128, sustained multiple bullet holes through the hood, front windshield, driver's and passenger side doors and window frames **[Exhibit A, Homicide casebook, Pages 90 - 91 & Crime Scene Photos]**.

A 2007, Toyota, Sienna, Van, Blue/Grey, License Plate, CA [redacted] sustained a bullet hole through the front passenger window which proceeded to perforate the windshield **[Exhibit A, Homicide casebook, Page 94, & Crime Scene Photos]**.

A bullet impact on the parking structure column pillar, between parking stall number 74 and 75 **[Exhibit A, Homicide casebook, Page 95, & Crime Scene Photos]**.

CRIMINAL INVESTIGATION AND CHARGES FILED

None. Suspect is deceased.

LIGHTING AND WEATHER CONDITIONS

This incident took place in the late evening hours. The weather was foggy with 87% humidity. There was artificial ambient light in the parking structure at the location along with additional illumination from the deputy's Surefire mounted lights on their duty firearms **[Exhibit A, Video Surveillance, 18B017]**.

RADIO TRANSMISSIONS

DISPATCH FREQUENCY 3

22:00:00 **Unit 25A - [redacted] transmits 998 (Deputy involved shooting), but it is not clear.**

22:00:05 **Unit 25A - Gonzalez transmits 10-33 (Request emergent radio traffic) traffic; 998; location.**

22:00:21 **Unit 21 advised he is en route.**

22:00:27 **Unit 24 advised he is en route.**

22:00:29 Unit 23 advised he is en route.

22:00:32 Field Sergeant, 20S, advised he was en route.

22:00:38 Unit 25A - Gonzalez requested LA County Fire (LAFD) respond to render medical aid to Suspect Bautista; All deputies accounted for.

22:00:57 Responding unit (male voice) requested location address.

22:01:11 Sheriff's Communication Center (SCC) repeated address.

22:01:19 Aero advised they were three minutes away from location.

22:01:23 Unit 21 advised they're Code-6 (Arrived on scene) at the location.

22:01:44 SCC inquired if it was safe for LAFD to roll into the scene.

22:01:56 (Unreadable radio traffic)

22:02:05 SCC inquired about the number of units present at the location.

22:02:08 Unit 24 advised they're Code 6 at the location.

22:02:15 Unit 24 advised there were four units at the location.

22:02:23 SCC confirmed all units were accounted for.

22:02:34 Field Sergeant 20S (unreadable).

22:02:42 Unknown unit (male voice) advised best route for incoming units.

22:02:45 SCC requested Field Sergeant 20S to try another radio.

22:02:47 SCC advised LAFD is en route.

22:02:55 Unknown unit (male voice) directed responding units to enter the location off of 3rd Street.

22:03:10 (Unreadable radio traffic)

22:03:17 Unknown unit (male voice) advised the location is Code-4 (No further assistance needed) and responding units should clear a path for LAFD.

22:03:36 LAFD arrived at the location; SCC inquired who was the handling unit.

22:03:46 **Unknown unit (male voice) advised responding units to keep the street clear.**

22:03:53 **Unit 22 gave directions for LAFD.**

22:04:06 **Field Sergeant 20S advised there were too many patrol cars in the parking structure.**

22:04:36 **Unit 22 advised responding units to clear a path for LAFD.**

22:04:41 **Aero confirmed address of the location.**

VIDEO SURVEILLANCE RECORDINGS

IAB investigators reviewed the video surveillance recordings captured by cameras mounted in the parking structure **[Exhibit A, Video Surveillance]**. The referenced times below are the elapsed times on the video files; however, the video surveillance recordings' time stamps are not accurate. The time stamps of the recordings are delayed approximately ten minutes. The following is a synopsis from segments of the video surveillance recordings from the file titled 18B017.

Camera 12 (Camera12_20150206205959 / AVI File)

22:08:43 25A arrives on-scene.

22:08:50 Deputies exit their car. Deputy [redacted] is the driver.

22:09:01 Deputies walk between cars. Suspect Bautista and Deputy Gonzalez are out of the camera frame.

22:09:14 Deputy [redacted] is out of the frame.

22:09:21 Witnesses [redacted] and [redacted] are seen in the frame (upper part of screen).

22:09:32 Suspect Bautista is in the frame running away from deputies.

22:09:34 Deputies are in the frame running after Suspect Bautista.

22:09:40 Suspect Bautista enters the patrol car through the driver's side and closes door.

22:09:42 Witness [redacted] is seen running up the ramp away from scene. Deputy [redacted] points his Taser at Suspect Bautista, who's inside the

patrol car, from the driver's side. Deputy Gonzalez points his firearm at Suspect Bautista, who's inside the patrol car, from the passenger side.

Camera 13 (Camera13_20180206210000 / AVI File)

22:00:00 Suspect Bautista arrives and is looking through cars. He goes in and out of the frame.

22:07:56 Suspect Bautista is back in the frame.

22:08:54 Suspect Bautista observes deputies, runs behind cars, and appears to hide.

22:09:02 Deputy [redacted] enters the frame on foot with his firearm in his right hand and Taser in the left hand. He walks toward the last seen location of Suspect Bautista.

22:09:10 Deputy Gonzalez enters the frame with his firearm drawn. He walks along the wall toward the last seen location of Suspect Bautista.

22:09:19 Suspect Bautista appears from behind a car and walks away from the deputies.

22:09:23 Suspect Bautista stops and faces the deputies. Deputies Gonzalez and [redacted] have their guns pointed at Suspect Bautista. Deputy [redacted] is positioned to Suspect Bautista's right and Deputy Gonzalez to his left.

22:09:26 Deputies Gonzalez and [redacted] close the distance between themselves and Suspect Bautista. Suspect Bautista does not move.

22:09:29 Suspect Bautista faces away from the deputies, then runs to the left, left of Deputy [redacted]

22:09:34 Deputy [redacted] employs the Taser at Suspect Bautista.

22:09:38 Suspect Bautista is out of the frame. Deputy Gonzalez runs out of the frame, with his firearm drawn, toward the patrol car. Deputy [redacted] is momentarily in the frame running toward the patrol car.

22:09:47 Deputy Gonzalez runs back into the frame while shooting his firearm. He stops, and appears to transmit radio traffic.

22:10:05 Deputy [redacted] is back in the frame with his firearm drawn.

STATEMENTS

The following narratives are intended only as a summation of the actual interviews. Additional information and the precise wording may be obtained by reviewing the digital audio recorded interviews and verbatim transcriptions.

INVOLVED EMPLOYEES STATEMENTS

Deputy Christopher Gonzalez

On February 7, 2018, Deputy Gonzalez was interviewed by Homicide Bureau Investigators Torres and Carrillo. The interview was summarized in the Homicide Bureau casebook **[Exhibit A, Homicide casebook, Pages 3 - 6]** and an interview transcript was included in the IAB casebook **[Exhibit A, Homicide Bureau, Interviews, Transcripts, Deputy Gonzalez]**.

On July 29, 2021, Deputy Gonzalez was interviewed by IAB Sergeants Ermina McKelvy and Patrick Morey. The interview was conducted at the IAB office in the Operations Conference Room. Representing Deputy Gonzalez during the interview was Amy Johnson of Raines Lucia Stern.

> **IAB Note:** At the onset of the interview, Deputy Gonzalez was read the video admonishment and shown the parking structure video surveillance camera footage of the incident to assist in his recollection **[IAB Transcripts, Deputy Gonzalez, Page 2]**.

On October 7, 2021, Deputy Gonzalez was re-interviewed by IAB Sergeants Ermina McKelvy and [redacted].

Deputy Gonzalez was assigned to Unit 25A with Deputy [redacted] on PM shift. He and Deputy [redacted] were dispatched to the location regarding a suspicious male Hispanic (Suspect Bautista) looking through cars in the parking structure.

Deputies Gonzalez and [redacted] considered the incident as a routine call for service. Prior to arriving at the location, they came to a mutual understanding Deputy Gonzalez, as the passenger, was in charge of the radio traffic. Deputy Gonzalez would also be designated to use lethal weapons, and Deputy [redacted] would use less lethal weapons, if the situation warranted the use.

After gaining access to the gated parking structure, Deputy [redacted] drove them down to the lower level where Suspect Bautista was last seen by the informant (Witness [redacted]). Deputy Gonzalez saw a male Hispanic, who fit the description of the person in the call, ducking in and out between cars as if he was attempting to hide from them. Deputy Gonzalez advised Deputy [redacted] of his observations and said they needed to get out of the patrol car.

Deputies Gonzalez and [redacted] exited their patrol car and walked east toward the last seen location of Suspect Bautista. Deputy Gonzalez drew his firearm as he walked along the south wall of the parking structure, attempting to establish a clear visual of Suspect Bautista, while Deputy [redacted] walked to his left.

Deputy Gonzalez heard Deputy [redacted] give commands to Suspect Bautista to put his hands up and as he (Deputy Gonzalez) moved around the cars. Deputy Gonzalez saw Suspect Bautista looked fidgety and restless as if he was under the influence of a controlled substance **[IAB Transcripts, Deputy Gonzalez, Page 11]**. Suspect Bautista shouted something at the deputies but his speech was rapid and Deputy Gonzalez did not understand the suspect.

As the deputies moved closer toward Suspect Bautista, he put his hands up and turned his back toward the deputies **[IAB Transcripts, Deputy Gonzalez, Page 12]**. Deputy Gonzalez was approximately ten feet away from Suspect Bautista. Deputy [redacted] was a little closer toward Suspect Bautista. When Deputy [redacted] moved closer to detain Suspect Bautista, the suspect ran away from the deputies.

Deputy Gonzalez thought Suspect Bautista was going to run toward the exit; however, Suspect Bautista ran to the driver's door of their patrol car. Deputy [redacted] ran after Suspect Bautista with his Taser out. The deputies gave Suspect Bautista commands to stop and put his hands up. Deputy [redacted] yelled, "Taser!" and Deputy Gonzalez heard the Taser being employed toward Suspect Bautista as he jumped on the driver's seat of the patrol car.

Deputy Gonzalez stated at the time of the foot pursuit, he did not consider broadcasting any radio traffic because it all happened too fast and he didn't have enough time. He estimated the foot pursuit to be five to ten seconds. Deputy Gonzalez was focused on their safety, and believed Suspect Bautista may kill or assault them, run out of the parking garage, or get into their patrol vehicle. Deputy [redacted] ran toward the driver's side of the patrol car and Deputy Gonzalez ran the short distance to the front of the patrol car. Deputy Gonzalez intended to detain Suspect Bautista **[IAB Transcripts, Deputy Gonzalez 2, Page 3]**.

Deputy Gonzalez added all they had was a suspicious person call. They had not confirmed a crime occurred. If Suspect Bautista would have continued running out of the parking structure, Deputy Gonzalez would have broadcast Suspect Bautista's description for officer safety reasons **[IAB Transcripts, Deputy Gonzalez 2, Pages 4 - 5]**

Within seconds, Deputy Gonzalez saw Suspect Bautista put the car's gear shift in the drive position and heard the engine rev. Deputy Gonzalez determined the Taser was ineffective because Suspect Bautista was able to manipulate the gear shift.

Deputy Gonzalez' route of travel put him in front of the patrol car. Deputy Gonzalez stated, "The distance was so short, I had no other options or other areas to run" **[IAB**

Transcripts, Deputy Gonzalez 2, Pages 5 - 6]. While standing approximately five feet in front of the patrol car, and fearing Suspect Bautista would run him over, Deputy Gonzalez felt he had to protect himself and fire his firearm **[IAB Transcripts, Deputy Gonzalez, Page 15]**. Deputy Gonzalez said the events happened so fast he did not have time to move out of the path of the patrol car to seek cover, nor did he give Suspect Bautista any additional commands. He added there was no where he could move, to avoid being hit or pinned by the patrol vehicle **[IAB Transcripts, Deputy Gonzalez 2, Page 13]**.

While standing approximately five feet away from the patrol car, with a wall 50 feet away as his backdrop, Deputy Gonzalez obtained good sight acquisition on his duty firearm sights, with the assistance of his mounted Surefire laser, and fired at Suspect Bautista's head through the front windshield. Deputy Gonzalez estimated firing six to eight rounds in succession, and in one continuous act and thought. Deputy Gonzalez recalled, "when I was shooting, I could see some of the rounds bouncing…hitting the windshield not going through" **[IAB Transcripts, Deputy Gonzalez 2, Page 19]**.

As Suspect Bautista drove forward, Deputy Gonzalez saw Deputy [redacted] fall to the ground. Deputy Gonzalez did not know if Deputy [redacted] fell in front of the patrol car, or to the side, because his focus was directed at the patrol car as it moved in his direction. Deputy Gonzalez lost sight of Deputy [redacted] **[IAB Transcripts, Deputy Gonzalez, Page 17 and 25]**. Deputy Gonzalez later indicated he was unsure if his partner fell before or after he fired his firearm, or it may have been simultaneously. Deputy Gonzalez defined crossfire as, "If my partner is in my backdrop, and I'm shooting" **[IAB Transcripts, Deputy Gonzalez 2, Page 10]**.

IAB Note: In viewing the video surveillance that captured this shooting incident, it appears Deputy [redacted] is in Deputy Gonzalez' backdrop. A frame by frame review of the video surveillance shows where Deputy [redacted] was standing when Deputy Gonzalez began shooting **[Exhibit A, Video Surveillance, 21E061]**.

IAB Note: The IAB investigator took still photos of the video surveillance frames depicting Deputy Gonzalez as he fired his first volley of rounds. A red circle noted the laser positioning on the windshield of the patrol car and its potential trajectory **(Miscellaneous Documents)**.

Deputy Gonzalez was afforded another opportunity to review the video surveillance footage, and he maintained his statement he did not feel there was a crossfire situation. Deputy Gonzalez acknowledged Deputy [redacted] was standing up when he began shooting at the patrol car but Deputy [redacted] was not in his backdrop **[IAB Transcripts, Deputy Gonzalez 2, Page 14]**. Deputy Gonzalez also acknowledged he did not see any civilians in his backdrop when the incident occurred; however, after reviewing the video, he did see two civilians in the backdrop but they were off to the left and not in the line of fire **[IAB Transcripts, Deputy Gonzalez 2, Page 13]**.

Deputy Gonzalez assessed the effectiveness of the volley of rounds and found they were ineffective. Deputy Gonzalez perceived Suspect Bautista remained a threat as Suspect Bautista continued to drive the patrol car, had access to the shotgun and AR-15 rifle, and attempted to assault him with the patrol car. Deputy Gonzalez fired an additional six to eight rounds, in succession, into the patrol car toward Suspect Bautista's upper body from a distance of approximately five feet. The second volley of rounds incapacitated Suspect Bautista and he perceived the threat was over **[IAB Transcripts, Deputy Gonzalez, Page 19]**. Deputy Gonzalez did not see anyone in his backdrop as he fired into the patrol car **[IAB Transcripts, Deputy Gonzalez, Page 24]**.

IAB Note: IAB investigators reviewed surveillance footage from the apartment complex parking lot. It appeared Witness [redacted] was approximately 50 feet behind the patrol car at a slightly different angle when Deputy Gonzalez fired his firearm.

Deputy Gonzalez detained Suspect Bautista at gunpoint, as Deputy [redacted] arrived by his side. They assessed each other's wellbeing and found neither of them were injured. Deputy Gonzalez used his portable radio to broadcast emergent radio traffic of a deputy involved shooting. He gave their location and requested medical personnel respond to provide medical attention to Suspect Bautista who appeared to have sustained a gunshot wound to his head. Deputies Gonzalez and [redacted] held their position until assisting units arrived. When assisting units arrived, Deputies Gonzalez and [redacted] were moved away from the incident.

Deputy Gonzalez could not recall if the responding deputies rendered aid to Suspect Bautista prior to the fire department's arrival; however, he did remember the fire department arrived promptly.

Deputy [redacted]

On February 7, 2018, Deputy [redacted] was interviewed by Homicide Bureau Investigators Torres and Carrillo. The interview was summarized in the Homicide Bureau casebook **[Exhibit A, Homicide casebook, Pages 6 - 7]** and an interview transcript was included in the IAB casebook **[Exhibit A, Homicide Bureau, Interviews, Transcripts, Deputy [redacted]**

On June 30, 2021, Deputy [redacted] was interviewed by IAB Sergeants Ermina McKelvy and Amore Smith. The interview was conducted at the IAB office in Interview Room B. Representing Deputy Palacios during the interview was Adam Marangell.

IAB Note: At the onset of the interview, Deputy [redacted] was read the video admonishment and shown the parking structure video surveillance camera footage of the incident to assist in his recollection **[IAB Transcripts, Deputy [redacted] Page 2]**.

On October 8, 2021, Deputy [redacted] was re-interviewed by IAB Sergeants Ermina McKelvy and Andy Ruiz.

On February 6, 2018, Deputy [redacted] and his partner, Deputy Gonzalez, were working Unit 25A. They were dispatched a call at [redacted] E. 3rd Street, in the city of Los Angeles, regarding a male Hispanic adult looking through cars in a parking structure. Their normal plan of operation was for the driver to have a Taser (less lethal weapon) and the passenger would be the designated person to use a lethal weapon (firearm) if necessary.

When they arrived at the parking structure, an unknown male or female, gave them access to the parking structure through the secured gate. The same person directed them to the lower lot where Suspect Bautista was last seen.

Deputy [redacted] drove down the ramp and observed multiple cars parked on both sides of lower level. Deputy Gonzalez quickly told Deputy [redacted] to stop the car as he opened his car door. Deputy [redacted] did not see Suspect Bautista but he trusted his partner, and stopped the car. Deputy Gonzalez exited the car, in what seemed like exigent circumstances. Deputy [redacted] quickly exited the car and left the keys in the ignition, as he did not want to leave his partner vulnerable and without cover.

After a few seconds, Deputy [redacted] saw Suspect Bautista in the far eastern portion of the parking lot. Suspect Bautista ducked down between the cars that were parked on the south side of the parking structure, attempting to hide. Deputy [redacted] reacquired a visual of Suspect Bautista and ordered him to show his hands. Suspect Bautista stood up and walked northbound between the cars toward Deputy [redacted]

Deputies [redacted] and Gonzalez walked toward Suspect Bautista to detain him pending a burglary investigation. Deputy [redacted] had his "service weapon" **[IAB transcripts, Deputy [redacted], Page 9]** out just in case Suspect Bautista had a weapon. As they tactically approached Suspect Bautista, Deputy [redacted] deployed his Taser.

Suspect Bautista spoke incoherently to Deputies [redacted] and Gonzalez. The suspect appeared to be under the influence of some kind of controlled substance and would not follow the deputies' commands.

Deputy [redacted] ordered Suspect Bautista to show his hands. Suspect Bautista brought his hands up about chest level so Deputy [redacted] could see them as he (Suspect Bautista) turned away from Deputy [redacted] Deputy [redacted] holstered his firearm so he could detain Suspect Bautista; however, continued to deploy his Taser. Suspect Bautista suddenly turned to his left and ran around Deputy [redacted] toward the parking structure exit. Suspect Bautista ran so fast, Deputy [redacted] was unable to employ his Taser.

Deputy [redacted] thought Suspect Bautista was going to hide between the cars. Since the gate to the parking structure was controlled by a remote, Deputy [redacted] did not think Suspect Bautista would get out.

When Suspect Bautista ran toward the exit, Deputy [redacted] did not know if Suspect Bautista was armed because he had not been searched. Deputy [redacted] with his Taser still deployed, pulled out his firearm. Deputy [redacted] ran after Suspect Bautista, and saw him enter his patrol car and sat down on the driver's seat.

Deputy [redacted] considered transmitting radio traffic at that time; however, he did not because he was dealing with the threat in front of him and it would "not have been tactically safe to transmit at that time" **[IAB Transcripts, Deputy [redacted] 2, Page 4]**. Deputy [redacted] does not believe Deputy Gonzalez broadcast the foot pursuit because he did not hear any radio traffic.

Deputy [redacted] estimated the distance of the foot pursuit to be 10 to 15 feet and lasting mere seconds. He stated it terminated once Suspect Bautista entered their patrol car **[IAB Transcripts, Deputy [redacted] 2, Page 4]**.

While running, Deputy [redacted] holstered his firearm. Deputy [redacted] saw Suspect Bautista trying to manipulate the ignition and steering wheel. Deputy [redacted] thought Suspect Bautista was going to attempt to leave with the patrol car, or try to hit him or Deputy Gonzalez with the car. Deputy [redacted] was aware there were weapons in the patrol car which Suspect Bautista could use against them.

Deputy [redacted] was within approximately one to two feet of Suspect Bautista when he employed his Taser. Deputy [redacted] did not know where the prongs contacted because he aimed at a moving target. The Taser was not effective in immobilizing Suspect Bautista as evident by the patrol car going into motion.

As the patrol car moved forward, Deputy [redacted] heard gunshots and fell to the ground near the driver's side passenger door. Deputy [redacted] did not know why or how he fell, but he fell to the ground and separated himself from the patrol car. Deputy [redacted] knelt beside a parked car and used it as cover **[IAB Transcripts, Deputy [redacted] Page 28]**.

Deputy [redacted] attention was focused on immobilizing Suspect Bautista; he did not have a visual on Deputy Gonzalez. When Deputy [redacted] heard the gunshots, he did not know where the gunshots came from or whether they were by Deputy Gonzalez or Suspect Bautista. Deputy Gonzalez did not communicate with Deputy [redacted] he (Deputy Gonzalez) was going to use his firearm to stop the threat presented by Suspect Bautista. He added there was no concern of a crossfire situation **[IAB Transcripts, Deputy [redacted] Page 28]** as he did not feel any bullets, glass, or any other debris coming in his direction.

Deputy [redacted] immediately used his handheld radio to broadcast a deputy involved shooting had occurred. As he gathered himself to get up from the ground to check on the welfare of Deputy Gonzalez, he realized his legs were entangled by the Taser wires attached to the prongs.

Deputy [redacted] walked behind the patrol car to stand beside Deputy Gonzalez, and with their firearms aimed at Suspect Bautista. Deputy [redacted] did not see any movement from Suspect Bautista and they did not make an approach to ascertain his physical condition. Deputy [redacted] or Deputy Gonzalez requested paramedics to respond to the location to render aid to Suspect Bautista. They awaited assisting unit's arrival, and they were transported to East Los Angeles Station.

Deputy [redacted] indicated he reassessed often during this incident. First when he transitioned between a lethal weapon to a less lethal weapon. Again, when he attempted to go hands'-on and detain Suspect Bautista but he ran. Next, as Suspect Bautista ran, he realized he had not been searched and may have a weapon so he drew his firearm again. Lastly, when he saw Suspect Bautista enter the patrol car, he went back to a less-lethal weapon. Deputy [redacted] just wanted to subdue and detain Suspect Bautista. Adding again, the whole incident occurred within seconds **[IAB Transcripts, Deputy [redacted] 2, Page 6]**.

Deputy [redacted] was afforded a second opportunity to review the video surveillance footage and agreed there possibly was a crossfire situation but he did not feel debris, bullets, or glass **[IAB Transcripts, Deputy [redacted] 2, Page 12]**.

CIVILIAN WITNESSES STATEMENTS

[redacted]

On February 7, 2018, [redacted] (Witness [redacted] was interviewed by Homicide Bureau Investigators Torres and Carrillo. The interview was summarized in the Homicide Bureau casebook **[Exhibit A, Homicide casebook, Pages 2 - 3]** and an interview transcript was included in the IAB casebook **[Exhibit A, Homicide Bureau Transcripts, [redacted]**

On July 14, 2021, Witness [redacted] was interviewed by IAB Sergeant McKelvy. The interview was conducted in the [redacted] at the [redacted] located at [redacted] in the city of [redacted] **[IAB Transcripts, Witness [redacted]**.

Witness [redacted] was the [redacted] at the [redacted] on the night of February 6, 2018. She received several calls and text messages from [redacted] complaining of a tall White man (Suspect Bautista) with tattoos on his neck and arms who was acting as if he was "under the influence." Witness [redacted] observed Suspect Bautista on the monitor of the parking structure video surveillance system. She

saw Suspect Bautista pick up things off the ground, throw rocks, hit cars and looked into cars in the parking structure.

Suspect Bautista was trespassing since Witness [redacted] did not recognize him as a resident of the [redacted] Witness [redacted] called East Los Angeles Station to request a response by deputies. The location had a problem with trespassers due to its close proximity to the Metro Train Station and with individuals being released from the East Los Angeles Station which was [redacted] to the [redacted] The parking structure was gated; however, pedestrians gain access to the structure when cars enter and exit through the remote controlled gate.

Witness [redacted] described Suspect Bautista's behavior as erratic. He hit things in the air that weren't there. He moved his mouth as if he was talking to another person but there was no one there. He walked between cars, hitting them with a stick, and hid between the cars.

Witness [redacted] continued to monitor Suspect Bautista's actions and location, via the video surveillance, and saw him walk around on the lower level resident parking structure. When Deputies Gonzalez and [redacted] arrived, she was able to see the deputies on the video monitor. She and her [redacted] Witness [redacted] walked downstairs from her office to the parking structure to meet the deputies, and to allow them access to the secured residential parking structure. She wanted to ensure Suspect Bautista was arrested. When they arrived at the gate to the parking structure, the deputies were driving down the ramp to the lower level. The witnesses walked down the ramp, approximately 10 feet behind the patrol car.

As Witness [redacted] walked down the ramp, she could see the patrol car parked facing eastbound, just passed the elevator, with the front doors open. The deputies walked eastbound through the parking structure. One of the deputies, who was close to the east wall, called out to Suspect Bautista, who hid behind the cars. The deputy told Suspect Bautista, "Hey. Get over here." The other deputy searched between, and under the cars as if Suspect Bautista was hiding.

Witnesses [redacted] and [redacted] continued to watch the deputies' interactions with Suspect Bautista just short of the bottom of the ramp. It appeared Suspect Bautista took the deputies by surprise when he "pops up" **[IAB Transcripts, [redacted] Page 9]** and ran westbound away from the deputies toward the ramp. The deputies calmly told Suspect Bautista to stop running but when he reached the patrol car, they were saying, "Don't, don't, don't."

Witness [redacted] does not recall the deputies having anything in their hands as they ran after Suspect Bautista but Deputy Gonzalez, who ran toward the passenger side of the patrol car, had his hands on his gun belt. When Suspect Bautista entered the patrol car through the driver's side door, Witness [redacted] was scared because she thought Suspect Bautista was going to put the car in reverse and run her and Witness

[redacted] over. The only way to exit the lower level was the ramp they were standing on.

Due to the angle of the ramp, Witness [redacted] only had a clear view of Deputy Gonzalez and a partial view of Deputy [redacted] She did not see a firearm in Deputy Gonzalez's hand and when the deputies started running, Witness [redacted] told Witness [redacted] they needed to get out of there. Prior to running up the ramp, she saw the patrol car moving.

Witness [redacted] heard gunshots as she ran up the ramp. She was scared something happened to the deputies because she knew Suspect Bautista had access to the weapons inside the patrol car. She and Witness [redacted] ran to their apartment and locked themselves inside. Witness [redacted] called East Los Angeles Station to report what happened. The dispatcher assured her the deputies were fine.

[redacted]

On March 21, 2018, Witness [redacted] was interviewed by Homicide Bureau Investigators Torres and Carrillo. The interview was summarized in the Homicide Bureau casebook **[Exhibit A, Homicide casebook, Pages 9 - 10]** and an interview transcript was included in the IAB casebook **[Exhibit A, Homicide Bureau Transcripts,** [redacted]

On July 15, 2021, Witness [redacted] was interviewed by IAB Sergeants McKelvy and Angel Fisher. The interview was conducted at Witness [redacted] located at [redacted] in the city of [redacted] **[IAB Transcripts, Witness** [redacted]

On February 6, 2018, Witness [redacted] lived with his [redacted] Witness [redacted] at the [redacted] located at [redacted] in the city of [redacted] He accompanied Witness [redacted] to the parking structure after she received phone calls from [redacted] about a suspicious man (Suspect Bautista) opening car doors. Witness [redacted] called East Los Angeles Station to have Suspect Bautista arrested for trespassing.

Witnesses [redacted] and [redacted] walked down to the lower parking level to meet the deputies. Witness [redacted] saw the deputies trying to talk to Suspect Bautista in the back of the parking level, near the east wall. Suspect Bautista slipped away from the deputies and ran toward their patrol car, which was parked in the middle of the parking structure, facing eastbound.

Witness [redacted] saw Suspect Bautista enter the patrol car through the opened driver's side door. He was scared Suspect Bautista would put the patrol car in reverse, and try to back out of the parking structure exit that was behind him. Witness [redacted] heard the deputies yell, "Don't do that, don't do that!" Witness [redacted] saw the patrol car jerk a little bit.

Witnesses [redacted] and [redacted] were standing approximately 42 feet away from the patrol car. When Suspect Bautista entered the car, Witness [redacted] turned and ran up the ramp.

Just before turning to run up the ramp behind Witness [redacted] he saw Deputy Gonzalez shoot his firearm in the direction of the patrol car. He heard a lot of shots being fired as he ran up the ramp **[IAB Transcripts, Alec Jauregui, Page 13]**.

ADDITIONAL INFORMATION

Homicide investigators discovered Suspect Bautista was cited and released for [redacted] approximately 45 minutes prior to this shooting incident from East Los Angeles Station jail. Sergeant [redacted] #[redacted] the [redacted] on-duty, and Custody Assistant Ruth Frausto, #[redacted] the jailer on-duty, assisted in Suspect Bautista's release. They were interviewed by Homicide investigators. Their interactions with Suspect Bautista was prior to the shooting incident and therefore not interviewed by IAB investigators.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
JOSEPH P. ESPOSITO • Chief Deputy District Attorney
VICTORIA L. ADAMS • Assistant District Attorney

SCOTT K. GOODWIN • Director

November 16, 2020

Captain Kent Wegener
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

Re: Fatal Officer Involved Shooting of Cesar Bautista
J.S.I.D. File #18-0066
L.A.S.D. File #018-02026-0282-013

Dear Captain Wegener:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the February 6, 2018 fatal officer involved shooting of Cesar Bautista. Our detailed analysis of this incident is contained in the attached memorandum.

Very truly yours,

JACKIE LACEY
District Attorney

SHANNON PRESBY
Head Deputy District Attorney
Justice System Integrity Division

c: Deputy Christopher Gonzalez, #[redacted]

Hall of Justice
211 West Temple Street, Suite 1200
Los Angeles, CA 90012
(213) 974-3888
Fax: (213) 626-5125
WEBSITE: http://da.lacounty.gov

MEMORANDUM

TO:	CAPTAIN KENT WEGENER Los Angeles County Sheriff's Department Homicide Bureau 1 Cupania Circle Monterey Park, California 91755
FROM:	JUSTICE SYSTEM INTEGRITY DIVISION Los Angeles County District Attorney's Office
SUBJECT:	Fatal Officer Involved Shooting of Cesar Bautista J.S.I.D. File #18-0066 L.A.S.D. File #018-02026-0282-013
DATE:	November 16, 2020

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the February 6, 2018, fatal shooting of Cesar Bautista by Los Angeles County Sheriff's Department (LASD) Deputy Christopher Gonzalez. We have concluded Deputy Gonzalez acted lawfully in self-defense, in defense of others and to stop a fleeing felon when he fired his first volley of gunshots and that it cannot be proven beyond a reasonable doubt that Gonzalez' second volley gunshots constituted an unreasonable application of deadly force.

The District Attorney's Command Center was notified of the shooting at approximately 11:00 p.m., on February 6, 2018. The District Attorney Response Team responded to the location. They were given a briefing regarding the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based on investigative reports, recorded interviews, firearm analysis reports, crime scene diagrams, photographs, video evidence, the autopsy report and witness statements submitted to this office by LASD Detectives Adan Torres and Gus Carrillo. Gonzalez' voluntary statement was considered as part of this analysis.

FACTUAL ANALYSIS

On February 6, 2018, at approximately 10:00 p.m., LASD Deputy Christopher Gonzalez and his partner, Deputy [redacted] received a radio call to respond to a parking garage on East Third Street in the unincorporated county area of East Los Angeles regarding a suspicious person seen on the property. The caller described the person as, "30 to 40 years old with tattoos on his face, inside the apartment complex parking lot." The call further stated that the individual appeared to be breaking into cars. Gonzalez and [redacted] were in the process of handling an unrelated call and

departed for the location upon concluding the previous call. It took the deputies approximately ten to 15 minutes from the time they received the call to respond to the location.[1]

Upon arriving at the location, [redacted] drove their vehicle into the ground level parking lot of the location. They were granted access to the garage by a resident who used their remote to open the gate. The resident advised the deputies that the individual was in the parking garage.[2] As they entered the parking garage, Gonzalez, who was seated in the front passenger seat, observed a man ducking between vehicles in the east end of the garage. The man, later identified as Cesar Bautista, was approximately 20 to 25 feet away from their patrol vehicle. Gonzalez and [redacted] exited their vehicle, leaving the doors open and the engine running. Gonzalez momentarily lost sight of Bautista. As Gonzalez walked along the south wall of the parking lot attempting to locate Bautista, he heard [redacted] issuing commands to someone. [redacted] was yelling, "Hey, let me see your hands!"

Gonzalez could not see who [redacted] was speaking to initially, but quickly observed Bautista who appeared to be 30 to 40 years old and had horn tattoos on his head. Gonzalez also began issuing commands to Bautista. Bautista yelled back at the deputies, and did not comply with their orders to show his hands. Bautista appeared to be under the influence of some controlled substance, acting restless and speaking quickly.

As Gonzalez and [redacted] got closer to Bautista, he began to put his hands up. Gonzalez asked him what he was doing in the parking garage. Gonzalez and [redacted] approached Bautista intending to handcuff him. Bautista turned his back towards the deputies with his hands up in the air. When Gonzalez and [redacted] got within arm's reach of Bautista, Bautista suddenly turned and ran from them, passing them on his way to their patrol vehicle.[3] Gonzalez observed Bautista looking back at the deputies once as he reached his right hand into his right pants pocket. Gonzalez was unsure whether or not Bautista had a firearm or other weapon in his pocket, and this action caused him concern.

Gonzalez yelled, "Stop! Don't run!" as Bautista jumped into the driver's seat of the deputies' patrol car. Gonzalez observed [redacted] positioned near the driver's side of the vehicle holding a Taser. [redacted] then deployed the Taser, which appeared to have no effect on Bautista.

Gonzalez was standing approximately ten to 12 feet in front of the patrol car with his service weapon in his hand. He observed Bautista put the vehicle in drive and heard the engine rev. Bautista then drove the vehicle towards Gonzalez as [redacted] jumped to his right to avoid being struck.[4] Fearing for his life, Gonzalez fired six to eight rounds from his service weapon at the windshield of the patrol vehicle in an attempt to stop the vehicle from striking him.

[1] The deputies were wearing full LASD uniforms and responded in their black and white patrol vehicle.
[2] The parking garage was located underground.
[3] The vehicle had been left with the engine running in park. A loaded AR-15 rifle was secured in the rack between the driver and passenger seat of the patrol vehicle.
[4] [redacted] was approximately one to two feet from the vehicle.



Still photograph from surveillance video of Gonzalez firing first volley from his service weapon

The rounds did not have any effect on Bautista and the vehicle continued advancing towards Gonzalez. Gonzalez moved to his left and observed [redacted] falling to the ground. Gonzalez did not know if [redacted] had been struck by gunfire or whether he was in the path of the moving vehicle. Gonzalez fired an additional six to eight rounds through the passenger side window of the patrol car.[5] Bautista slumped over towards his left as if he had been struck by the second volley of rounds. Gonzalez ordered Bautista to put his hands up but Bautista was unresponsive.



Still photograph from surveillance video of Gonzalez firing second volley from his service weapon

[5] Based upon an ammunition count done of Gonzalez' service weapon and casings recovered from the location, it appears Gonzalez fired a total of 17 rounds between the two volleys.

Additional units and paramedics were summoned to the location. Bautista was pronounced dead at the scene by paramedics.

Witnesses at the location were interviewed and many reported having seen Bautista in the parking garage acting as if he was under the influence of alcohol or drugs and possibly attempting to break into vehicles. Multiple witnesses observed Bautista running, getting into the driver's seat of the patrol vehicle and putting the vehicle in gear. Fearing that they could be struck by the vehicle, they fled, then heard the engine of the vehicle revving, various commands by officers and gunfire. No witnesses observed the officer involved shooting. None of the witnesses recognized Bautista as a resident of the location and a subsequent investigation determined Bautista had no lawful reason to be in the parking garage.[6]

An autopsy was conducted on February 11, 2018. Cause of death was attributed to multiple gunshot wounds to the head and torso. A toxicology screen conducted as part of the post-mortem examination revealed the presence of methamphetamine, amphetamine and MDMA in Bautista's blood at the time of his death.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if the person claiming the right of self-defense or the defense of others actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code section 197; *People v. Randle* (2005) 35 Cal.4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; *see also,* CALCRIM No. 505.

In protecting himself or another, a person may use all the force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM No. 3470. If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.*

A police officer may use reasonable force to effect an arrest, prevent escape, or overcome resistance of a person the officer believes has committed a crime. Penal Code section 835a. An officer "may use all the force that appears to him to be necessary to overcome all resistance, even to the taking of life; [an officer is justified in taking a life if] the resistance [is] such as appears to the officer likely to inflict great bodily injury upon himself or those acting with him." *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1146.

An officer has "probable cause" in this context when he knows facts which would "persuade someone of reasonable caution that the other person is going to cause serious physical harm to another." CALCRIM No. 507. When acting under Penal Code section 196, the officer may use only so much force as a reasonable person would find necessary under the circumstances. *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1147. And he may only resort to deadly force

---

[6] Bautista had been arrested for possession of narcotics paraphernalia earlier that day and was cited and released approximately 45 minutes prior to this incident.

when the resistance of the person being taken into custody "appears to the officer likely to inflict great bodily injury on himself or those acting with him." *Id.* at 1146; quoting *People v. Bond* (1910) 13 Cal.App. 175, 189-190. The prosecution has the burden of proving beyond a reasonable doubt that a killing was not justified. CALCRIM Nos. 505, 507.

"Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety." *People v. Collins* (1961) 189 Cal.App.2d 575, 589.

California law also permits the use of deadly force by police officers when necessary to affect the arrest of a person who has committed a forcible and atrocious felony which threatens death or serious bodily harm. *People v. Ceballos* (1974) 12 Cal.3d 470. Forcible and atrocious crimes are those crimes whose character and manner reasonably create a fear of death or serious bodily injury. *Ceballos, supra,* 12 Cal.3d at 479. "An officer may use reasonable force to make an arrest, prevent escape or overcome resistance." *Brown v. Ransweiler* (2009) 171 Cal.App.4th 516. When protecting the public peace, a police officer "is entitled to even greater use of force than might be in the same circumstances required for self-defense." *Id.*

The U.S. Supreme Court has further clarified that when an escaping felon is using a vehicle to effectuate his escape, the risk to the lives of innocent bystanders may be higher. *Plumhoff v. Rickard* (2014) 134 S. Ct. 2012.

CONCLUSION

In the instant matter, Bautista did not comply with orders from Gonzalez and [redacted] when they approached him after having responded to a possible burglary call. Instead, he fled and stole their patrol vehicle, which contained a loaded AR-15 rifle. Efforts to use a Taser to stop Bautista were unsuccessful. When Bautista drove the vehicle at Gonzalez, effectively using it as a deadly weapon, Gonzalez was justified in his use of deadly force. When Gonzalez' first rounds were ineffective at stopping Bautista, with the vehicle still moving and [redacted] location unknown to Gonzalez, his second volley of shots cannot be proven beyond a reasonable doubt to be unreasonable to protect [redacted] who he knew had fallen to the ground.

With respect to the first shots fired, we find that Deputy Gonzalez acted lawfully in self-defense, in defense of others and to stop a fleeing felon when he used deadly force against Cesar Bautista. We further find that it cannot be proven beyond a reasonable doubt that Gonzalez' second volley of gunshots were an unreasonable application of deadly force. We are closing our file and will take no further action in this matter.

SH-AD-32A (8/17)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service Since 1850"

DATE: November 3, 2021

FILE NO: 018-02026-0282-013

OFFICE CORRESPONDENCE

FROM: JASON A. SKEEN, COMMANDER
SOUTH PATROL DIVISION

TO: RICHARD MEJIA, CAPTAIN
EAST LOS ANGELES STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS**

Case Number:	SH2447621
Incident:	Hit Shooting
Incident Date:	February 6, 2018
Unit:	East Los Angeles Station
Suspect(s):	Bautista, Cesar MH/012681
Involved Employees:	Deputy Christopher Gonzalez, #[redacted]
EFRC Date:	October 21, 2021

The Executive Force Review Committee (EFRC) consisting of Commanders [redacted] Alfred M. Reyes, and Jason A. Skeen (Chair) met and reviewed the above case.

FINDINGS:

The EFRC determined, in regards to the first shots fired by Subject Gonzalez, the use of force was in Department policy.

The EFRC determined that the tactics used by Deputy Gonzalez were not within Department policy.

The EFRC determined, in regards to the second volley of shots fired by Deputy Gonzalez, the use of force was not within Department policy.

The facts in this review support the following charges:

1. That in violation of Department Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.10, Obedience to Laws, Regulation and Orders [as it pertains to 3-10/045.00, Use of Deadly Force and Firearms; and/or 3-10/030.00, Unreasonable Force and Duty to Intervene; and/or 3-10/118.00, Performance to Standards-Use of Force; and/or 3-10/055.00, Use of Firearms Against Vehicles and/or Occupants of Vehicles; and/or 3-10/150.00, Tactical Incidents]; on or about February 6, 2018, while on-duty and assigned to East Los Angeles Station, Subject Christopher Gonzalez failed to perform to the work standards established for his rank of a patrol trained Deputy Sheriff, when he failed to apply sound tactics and/or failed to adhere to Departmental use of force policy, when a suspect (Mr. Cesar Bautista) entered Subject Gonzalez' running patrol vehicle and attempted to flee the scene and/or drove toward the direction of Subject Gonzalez. Subject Gonzalez' failure to perform to Departmental standards has brought discredit and/or embarrassment upon himself and/or the Los Angeles County Sheriff's Department, as evidenced by, but not limited to the following:

    a. during the initial application of deadly force, failing to recognize a position of disadvantage, thus being placed in the way of a moving vehicle resulting in the necessity to use his firearm by firing multiple rounds at the direction of the suspect; and/or,

    b. during the second application of deadly force, failing to recognize a position of disadvantage, thus putting himself in the way of a moving vehicle resulting in the necessity to use his firearm by firing multiple rounds at the direction of the suspect against Department policy; and/or,

    c. firing a firearm at Mr. Bautista while he was driving a vehicle, without noticing a crossfire situation with his partner in his backdrop; and/or

    d. firing a firearm at Mr. Bautista while Mr. Bautista drove past him, causing Mr. Bautista to collide into an unoccupied parked vehicle.

RECOMMENDATIONS:

The EFRC Panel referred this matter to the Case Review for final resolution without recommending a discipline disposition.

Chief April Tardy concurred with the recommendations.

JAS:DJW:djw